

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALEXANDRE B. ZOLOTOVITSKI,

Plaintiff,

v.

HERE NORTH AMERICA LLC,

Defendant.

CASE NO. 2:19-cv-01964-RAJ-BAT

**ORDER DEFERRING RULING ON  
PLAINTIFF'S SECOND MOTION  
TO AMEND**

Plaintiff Alexandre B. Zolotovitski seeks leave to amend his Complaint to update his claim for damages to include “continuing” emotional distress caused by the litigation process and to recover at an hourly rate, the time he has incurred as a pro se litigant. Dkt. 54. Defendant Here North America LLC argues that the motion should be denied as untimely and futile because Plaintiff seeks non-recoverable damages. Dkt. 58. Alternatively, Defendant requests that the Court defer ruling on the motion until after it has ruled on Defendant’s pending motion for summary judgment (Dkt. 55 – noted for August 6, 2021). If the Court ultimately resolves the issue of liability in Defendant’s favor, damages will be moot.

Plaintiff acknowledges that he does not seek to make any substantive amendments to his complaint and seeks only to “change numbers reflecting amount of damages.” Dkt. 59, p. 3. He agrees that his motion can be deferred until after the Court has ruled on the motion for summary judgment. *Id.*, p. 2.

1 Accordingly, it is **ORDERED** that the Court shall defer ruling on Plaintiff's Second  
2 Motion to Amend Complaint (Dkt. 54) until Defendant's Motion for Summary Judgment is  
3 resolved. The Clerk is directed to **re-note** Plaintiff's motion (Dkt. 54) for **September 3, 2021**.

4 DATED this 30th day of July, 2021.

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7 BRIAN A. TSUCHIDA  
8 United States Magistrate Judge  
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